

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 09-03-03

205

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-11
ITEM DESCRIPTION: Vacation Petition #03-03 by Menards, Inc. to vacate drainage and utility easements and right-of-way located within and adjacent to Menards South Subdivisions. The applicant is proposing to vacate easements and right-of-way to facilitate expansion of the existing Menards South store. This petition includes re-locating/shifting 30 th Street SE east of the Shopko south and Menards south stores. The applicant is proposing to dedicate new right-of-way and new drainage and utility easements.		PREPARED BY: Theresa Fogarty, Planner

August 27, 2003

Planning Department Recommendation:

See attached staff report dated August 7, 2003.

Staff recommends approval of the vacation petition as submitted, with the following conditions:

1. *Prior to recording this vacating request, the applicant shall dedicate all new right-of-way and utility easements for the relocation of the right-of-way and utility easements. The owner shall be responsible for any costs associated with the relocation of the right-of-way and utilities.*
2. *The right-of-way being vacated has never been officially designated as 30th Street SE, nor can the new roadway be designated as such. The designation of the new roadway must be coordinated and verified by the Planning Department – GIS staff.*

The Planning & Zoning Commission reviewed this vacation request at their August 13, 2003 meeting. The Commission recommended approval of the vacation petition.

Ms. Rivas moved to recommend approval of Vacation Petition #03-03 by Menards, Inc. with staff recommended conditions. Mr. Burke second the motion. The motion carried 8-0.

Council Action Needed:

1. Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve the vacation petition as recommended by the City Planning and Zoning Commission.

Attachments:

1. Staff Report dated August 7, 2003.
2. Minutes of the CP&ZC August 13, 2003 meeting

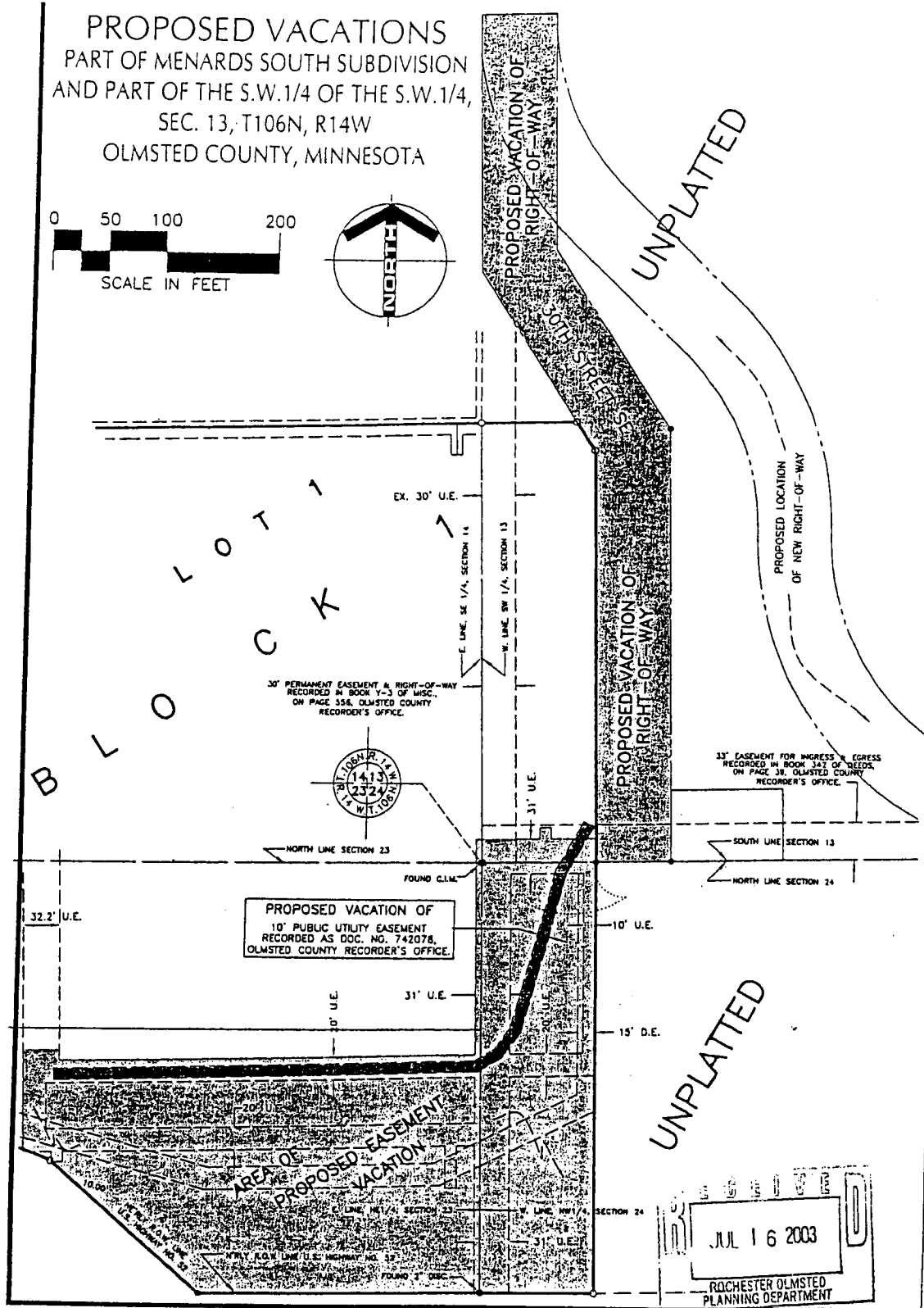
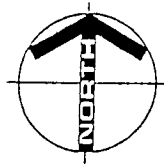
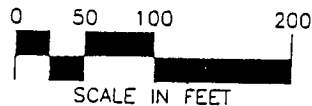
Distribution:

1. City Administrator
2. City Clerk
3. City Attorney: Copy of legal description is attached
4. Planning Department File
5. Applicants: This item will be considered by the Council sometime after 7:00 p.m. on **WEDNESDAY**, September 3, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE, Rochester, MN.
6. Yaggy Colby Associates

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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PROPOSED VACATIONS
PART OF MENARDS SOUTH SUBDIVISION
AND PART OF THE S.W. 1/4 OF THE S.W. 1/4,
SEC. 13, T106N, R14W
OLMSTED COUNTY, MINNESOTA



JUL 16 2003

ROCHESTER OLMTED
PLANNING DEPARTMENT

PROJECT NUMBER 8200
8200VacatePlat.dwg
DATE OF SURVEY 7/16/03
DRAFTED BY MJH
SURVEYED BY Y.C.A.
SURVEYED FOR MENARDS

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR
REPORT WAS PREPARED BY ME OR UNDER MY
DIRECT SUPERVISION AND THAT I AM A DULY
LICENSED LAND SURVEYOR UNDER THE LAWS
OF THE STATE OF MINNESOTA

PETER G. OETLIKER LICENSE EXPIRES 6/30/04
DATE _____ NUMBER 41887

ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

717 THIRD AVE. S.E.
ROCHESTER, MN
507-288-6464
FAX: 507-288-5038
E-MAIL: INFO@YAGGY.COM



207

21 ST SW
22 ST SW
3 AVE SW
2 AVE SW
1 AVE SW
23 ST SW
W RUN
DR SW
SW
OAK HILLS DR SW
OAK HILLS DR SW
LINDEN
LINDEN CT SW
CT SW
1 AVE SW
PARADISE
PARADISE CT
CT SW
OAKRIDGE DR SW
OAKRIDGE DR SW
FREMONT
FREMONT CT SW
CT SW
FELTON
CT SW

3 AVE SE
25 ST SE
28 ST SE
28 ST SE

22 ST SE
23 ST SE
24 ST SE
25 ST SE
26 ST SE

SHERIDAN AVE SE
SHERIDAN AVE
SHERIDAN AVE

Vacation #03-03
Menards Inc
200' Notification Distance
Ward 1 Hanson
07/22/03

THWY 63

THWY 63

THWY 52
THWY 52

WOOD LAKE DR SE
WOOD LAKE DR SE

35 ST SE
36 ST SE

T HWY 52
T HWY 52

MMERCIAL DR SW
COMMERCIAL DR SW

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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: August 7, 2003

RE: Vacation Petition #03-03 by Menards, Inc. to vacate drainage and utility easements and right-of-way located within and adjacent to Menards South Subdivisions. The applicant is proposing to vacate easements and right-of-way to facilitate expansion of the existing Menards South store. This petition include re-locating/shifting 30th Street SE east of the Shopko South and Menards South stores. The applicant is proposing to dedicate new right-of-way and new drainage and utility easements.

Planning Department Review:

Petitioner(s): Menard, Inc.
4777 Mendard Drive
Eau Claire, WI 54703

Engineer/Surveyor: Yaggy Colby Associates
717 Third Avenue SE
Rochester, MN 55904

Reason to Vacate: The petitioner is requesting to vacate easements and right-of-way to facilitate expansion of the existing Menards South store.

Referral Comments:

1. Rochester Public Works
2. Rochester Public Utilities – Water Division
3. Rochester Public Utilities – Operations Division
4. Planning Department – GIS Division
5. Planning Department – Wetlands LGU Representative
6. Planning Department – Transportation Division

Report Attachments:

1. Vacation Petition
2. Site Map
3. Location Map
4. Referral Comments (6 letters)



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August 7, 2003
Vacation Request #03-03
Menards, Inc.

Staff Recommendation:

Staff has reviewed the recommendations presented by the referral agencies and is recommending approval of the vacation request, as submitted with the following conditions:

- 1. Prior to recording this vacating request, the applicant shall dedicate all new right-of-way and utility easements for the relocation of the right-of-way and utility easements. The owner shall be responsible for any costs associated with the relocation of the right-of-way and utilities.***
- 2. The right-of-way being vacated has never been officially designated as 30th Street SE nor can the new roadway be designated as such. The designation of the new roadway must be coordinated and verified by the Planning Department – GIS staff.***

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 7/25/03

The Department of Public Works has reviewed the application requesting Vacation #03-03 by Menards Inc to vacate a portion of 30th Ave SE. The following are Public Works comments on the proposal:

1. Public Works has no objection to granting this request provided all necessary right-of-way, drainage, and utility easements for the relocation have been dedicated.



we pledge, we deliver

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July 25, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Vacation Petition #03-03 by Menards, Inc. to vacate drainage and utility easements and right-of-way located within and adjacent to Menards South Subdivisions.

Dear Ms. Garness:

Our review of the referenced petition is complete and our comments follow:

1. New utility easements for the existing and proposed water mains must be dedicated prior to the water main relocations and any building construction.

Please contact us at 507-280-1600 if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads 'Donn Richardson'. The signature is written in a cursive, flowing style.

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Menard, Inc.
Yaggy Colby Associates

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we pledge. we deliver

DATE: July 29, 2003

TO: Jennifer Garness, Planning Dept.
Rochester-Olmsted Planning Dept.

FROM: Michael J. Engle, Supv. of Distribution Design
Rochester Public Utilities
280-1579

SUBJECT: Vacation Petition #03-03 by Menards, Inc. to vacate drainage and utility easements and right-of-way located within and adjacent to Menards South Subdivisions. The applicant is proposing to vacate easements and right-of-way to facilitate expansion of the existing Menards South store. This petition includes re-locating/shifting 30th St. SE east of the Shopko south and Menards south stores. The applicant is proposing to dedicate new right-of-way and new drainage and utility easements.

RPU's Operations Division review of the above-referenced vacation petition is complete and our comments follow:

1. Any relocation of existing RPU owned electric facilities located within the areas proposed for vacation must be relocated at the expense of the requester.
2. New utility easements must be granted for any relocated facilities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael J. Engle', is written over a faint, larger version of the same signature.

la
c. Menards, Inc.
Yaggy Colby Associates



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

DATE: July 28, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Yaggy Colby Associates

RE: VACATION PETITION 03-03

A review of the preliminary plat has turned up the following ADDRESS and ROADWAY related issues.

NOTE: The Right-of-way vacation; with its reference to 30 Street SE is an addressing staff concern. The roadway being vacated has never been officially designated as 30 Street SE nor can the new roadway be designated as such. Therefore the designation for the new roadway must be coordinated and verified by our office.

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WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Utility Vacation #03-03 by Menards, Inc.

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

Hydric soils exist on the site according to the soil survey. The property owner is responsible for identifying wetlands on the property and submitting the information to the Olmsted Soil and Water Conservation District.

TRANSPORTATION STAFF
DEVELOPMENT APPLICATIONS REVIEW DATABASE - 2003

Jurisdiction	Application	Comments
City	Vacation Petition #03-03 by Menards	<p>The applicant is proposing to vacate easements and ROW to facilitate expansion of the existing Menards south store.</p> <p>The following are the brief comments regarding relocation/shifting of 30th Street SE east of Shopko south and Menards south store:</p> <ul style="list-style-type: none"> • The applicant has to dedicate the new ROW to the city of Rochester before vacation of old ROW. • Currently the elevation of 30th St is at 1032 feet that has to be maintained in the proposed new 30th St. Presently the land elevation is at 1028 feet. • The new ROW dedication has to be for collector rather than local road. The designation collector as per Thoroughfare Plan has to be 44 feet roadway on 80 feet ROW. 30th St has a potential of becoming collector for number of reasons. It is anticipated that it will provide future connection to CSAH1 and manage to distribute traffic generated by the land uses between TH 63 and CSAH 1. • Long Range Thoroughfare Plan shows CSAH 1 as an Arterial. The future 30th St will relieve the congestion on existing street and collect all traffic generated by the land uses in between two major street i.e. TH 63 and CSAH1. • Olmsted County Future Land Use Map shows the land in question as 25 years Urban Service Area. • Bike path is required to be connected with the future bicycle path as shown on ROCOG Long Range Bicycle Plan on east side of the site. It is anticipated that bike path will be on one side of 30th St. Final design issues will be discussed with the potential developers.
City	Petition # 03-04 by	No Comments

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MINUTES OF THE
CITY OF ROCHESTER PLANNING COMMISSION
2122 CAMPUS DRIVE SE – SUITE 100
ROCHESTER MN 55904

Minutes of the regularly scheduled meeting of the City Planning and Zoning Commission held on Wednesday, August 13, 2003, at 7:00 p.m. in the Council/Board Chambers of the Government Center, 151 4th Street SE, Rochester, MN.

Members Present: Ms. Lisa Wiesner, Chair; Mr. Michael Quinn, Vice Chair; Ms. Mary Petersson; Ms. Leslie Rivas; Mr. Randy Staver; Mr. Ivahn Dockter; Mr. Robert Haeussinger; and Mr. James Burke

Members Absent: Mr. Paul Ohly

Staff Present: Mr. Brent Svenby; Mr. Philip Wheeler; and Ms. Jennifer Garness

Other City Staff Present: Ms. Pat Alfredson, City Attorney

ADMINISTRATIVE BUSINESS:

Mr. Haeussinger made a motion to approve the minutes of July 23, 2003, as written. Mr. Staver seconded the motion. The minutes from July 23, 2003 were approved unanimously.

Ms. Petersson made a motion to approve the agenda, adding the discussion of the City Planning & Zoning Commission's 2004 budget under "Other Business". Mr. Burke seconded the motion. The motion carried unanimously.

ANNEXATION:

Annexation By Ordinance #03-19 by Larry M. Brown to annex approximately 2.15 acres of land located along the south side of TR 14, east of 40th Ave. SE.

Mr. Brent Svenby presented the staff report, dated August 6, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Haeussinger moved to recommend approval of Annexation By Ordinance #03-19 by Larry M. Brown as presented by staff. Ms. Petersson seconded the motion. The motion carried 8-0.

PUBLIC HEARINGS:

Vacation Petition #03-03 by Menards, Inc. to vacate drainage and utility easements and right-of-way located within and adjacent to Menards South Subdivisions. The applicant is proposing to vacate easements and right-of-way to facilitate expansion of the existing Menards South store. This petition includes re-locating/shifting 30th St. SE east of the Shopko south and Menards south stores. The applicant is proposing to dedicate new right-of-way and new drainage and utility easements.

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Mr. Brent Svenby presented the staff report, dated August 7, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Wiesner opened the public hearing. With no one wishing to be heard, Ms. Wiesner closed the public hearing.

Ms. Rivas moved to recommend approval of Vacation Petition #03-03 by Menards, Inc. with the staff-recommended conditions. Mr. Burke seconded the motion. The motion carried 8-0.

CONDITIONS:

1. Prior to recording this vacating request, the applicant shall dedicate all new right-of-way and utility easements for the relocation of the right-of-way and utility easements. The owner shall be responsible for any costs associated with the relocation of the right-of-way and utilities.
2. The right-of-way being vacated has never been officially designated as 30th Street SE nor can the new roadway be designated as such. The designation of the new roadway must be coordinated and verified by the Planning Department – GIS staff.

Land Subdivision Permit (Preliminary Plat) #03-23 by By Us LLC to be known as Pinewood Ridge Subdivision. The Plat proposes to subdivide 63.20 acres of land into 75 lots for residential development and 4 outlots. The plat also proposes right-of-way dedication for public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located south of Pinewood Road SE and west of 30th Avenue SE.

Mr. Brent Svenby presented the staff report, dated August 7, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the applicant submitted a Design Modification application that would go before the City Council along with the Preliminary Plat.

Mr. Svenby stated that Rochester Public Utilities indicated that condition number 1)c listed in the staff report could be stricken.

Mr. Svenby also asked that the following be added to the end of condition 1)e listed in the staff report: "The mid-block connection would not be required if the Design Modification is approved by the City Council."

Mr. Svenby stated that the Fire Department has agreed that a roadway width of 18 feet would be sufficient around the center islands located in Pinewood Ridge Drive SE and Dunlap Street SE.

Discussion ensued regarding parkland dedication.

Discussion ensued regarding maintenance of islands.

2/p